

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE NIGERIA CHARTER FLIGHTS
LITIGATION

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

04-md-1613(RJD)(MDG)

THIS DOCUMENT RELATES TO:

Anyoku v. World Airways, 04-cv-304
and
Mba v. World Airways, 04-cv-473
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DEARIE, District Judge.

On December 8 and 10, 2008, this Court issued Orders approving a class settlement and awarding attorney's fees and expenses to lead counsel over the objection of plaintiffs and counsel for plaintiffs, Benjamin Okeke, in Mba v. World Airways. ECF Docket # 165, 168-69. On appeal, the Second Circuit affirmed the Court's Order approving the settlement, but vacated the Order granting class counsel fees and expenses to lead counsel and remanded for more specific findings. See Mba v. World Airways, Inc., 369 Fed.Appx. 194, at *2-4 (2d Cir. 2010). Accordingly, the Court referred the matter to Magistrate Judge Go pursuant to 28 U.S.C. 636(b)(1)(B) to conduct an appropriate hearing consistent with the mandate of the Second Circuit and issue a report and recommendation ("R&R"). ECF Docket # 183. The Report and Recommendation was issued on August 25, 2011, and objections and responses to those objections followed. See ECF Docket # 202-05.

Federal Rule of Civil Procedure 72(b)(3) provides that, when resolving objections to the R&R of a magistrate judge, the Court "must determine de novo any part of the magistrate judge's disposition that has been properly objected to" and then either "accept, reject, or modify

the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); accord 28 U.S.C. § 636. The phrase “de novo determination,” however, “permit[s] whatever reliance a district judge, in the exercise of sound judicial discretion, ch[oo]ses to place on a magistrate’s proposed findings and recommendation,” provided the district court remains the ultimate decision-maker. United States v. Raddatz, 447 U.S. 667, 676 (1980).

The court has reviewed the entire record, all evidence submitted, and all parties’ papers pre- and post-R&R, whether or not those portions of the record deal exclusively with the objections raised by the parties. Specifically, the Court has accepted and reviewed the Mba plaintiffs and Mr. Okeke’s objections to the R&R, as well as the responses of Thatcher Proffitt & Wood and World Airways to these objections, as part of its de novo review of the full body of materials submitted to the magistrate judge. Upon careful review of the record, including both old and new arguments raised in objection to the R&R, the Court is not persuaded that it is necessary to disturb the comprehensive and cogent disposition recommend by Magistrate Judge Go. Therefore, I adopt the Report and Recommendation without qualification.

SO ORDERED.

Dated: Brooklyn, New York
May 21, 2012

s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE
United States District Judge